

EXHIBIT D

From: [Ernest Galvan](#)
To: [Mattioli, Madison \(USAMT\)](#); [Cziok, Abbie \(USAMT\)](#); [Smith, Mark \(USAMT\)](#); [Tatarka, Tim \(USAMT\)](#)
Cc: [Kara Janssen](#); [Oren Nimni](#); [Susan Beaty](#)
Subject: RE: Case No.: 4:23-cv-04155 [IMAN-DMS.FID66630]
Date: Thursday, November 9, 2023 2:44:48 PM
Attachments: [image001.png](#)

Counsel—

Thanks for your prompt response. We will forego filing any supplemental evidence in order to keep the current schedule in light of the dire conditions at FCI Dublin.

Ernest Galvan
ROSEN BIEN GALVAN & GRUNFELD LLP
101 Mission Street, 6th Floor
San Francisco, CA 94105
(415) 433-6830 (telephone)
(415) 296-2293 (direct)
(415) 694-3606 (mobile)
(415) 433-7104 (fax)
egalvan@rbgg.com

CONFIDENTIALITY NOTICE

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at rbg@rbgg.com

From: Mattioli, Madison (USAMT) <Madison.Mattioli@usdoj.gov>
Sent: Thursday, November 9, 2023 1:36 PM
To: Ernest Galvan <EGalvan@rbgg.com>; Cziok, Abbie (USAMT) <Abbie.Cziok@usdoj.gov>; Smith, Mark (USAMT) <Mark.Smith3@usdoj.gov>; Tatarka, Tim (USAMT) <Tim.Tatarka@usdoj.gov>
Cc: Kara Janssen <KJanssen@rbgg.com>; Oren Nimni <oren@rightsbehindbars.org>; Susan Beaty <susan@ccijjustice.org>
Subject: RE: Case No.: 4:23-cv-04155 [IMAN-DMS.FID66630]

[EXTERNAL MESSAGE NOTICE]

Counsel,

We appreciate the offer to stipulate to extended deadlines as set forth in the entrained. However, we have several concerns.

First, we cannot know whether a week will be sufficient time to respond to the new material. This request is also anomalous, and would introduce new facts that will be used to augment or address new arguments in a reply brief. Defendants will not have a chance to address such arguments – effectively subverting the usual motion practice paradigm where new arguments and new facts cannot be introduced in a reply brief. This proposal was also put forth so late that our office can have no assurances the Court will accept the rescheduling proposal. Not filing our brief on the

established deadline is especially untenable here given Local Rule requirements that final briefs be submitted a certain interval before the hearing date (which conflicts with your proposal), and other existing deadlines related to other FCI Dublin cases.

We would not object to you withdrawing the pending motion for preliminary injunction, and filing a new motion incorporating all declarations and argument you think necessary for the Court to decide the matter. We believe a motion to vacate the December 11 hearing would also be necessary, and again we would not oppose. This would reset all applicable deadlines by default, and preserve the integrity of the usual motion practice structure.

If this is not acceptable, we will plan on filing our Opposition on Monday, November 13, as currently scheduled.

Please let us know. Thanks.

Madison



Madison L. Mattioli
Assistant United States Attorney
U.S. Attorney's Office - District of Montana
901 Front Street, Ste. 1100 | Helena, MT 59626
T: (406) 457-5269 | ✉ madison.mattioli@usdoj.gov

CONFIDENTIALITY NOTICE: This communication may contain law enforcement sensitive, privileged attorney/client communications or work product, and is not subject to disclosure. It is solely for the use of the intended recipients. Unauthorized interception, review, use or disclosure is prohibited. If you believe that you have received this e-mail in error, please notify the sender immediately, and permanently delete the e-mail, any attachments, and all copies from your computer.

From: Ernest Galvan <EGalvan@rbgg.com>

Sent: Thursday, November 9, 2023 11:37 AM

To: Mattioli, Madison (USAMT) <MMattioli@usa.doj.gov>; Cziok, Abbie (USAMT) <ACziok@usa.doj.gov>

Cc: Kara Janssen <KJanssen@rbgg.com>; Oren Nimni <oren@rightsbehindbars.org>; Susan Beaty <susan@ccijjustice.org>

Subject: [EXTERNAL] RE: Case No.: 4:23-cv-04155 [IMAN-DMS.FID66630]

Dear Counsel—

In your email below you say you will deal with the retaliation allegations we wrote to you about on Oct. 31 in the proceedings before the district court. In order to facilitate that we will file a supplemental statement today, detailed the facts in our letter and supported by declarations.

In light of today's new filing, we are willing to stipulate to move your response deadline, now Nov. 13, one week to Nov. 20, provided that our reply deadline move to December 1. Please respond by "reply all" to this email.

Ernest Galvan
ROSEN BIEN GALVAN & GRUNFELD LLP
101 Mission Street, 6th Floor
San Francisco, CA 94105
(415) 433-6830 (telephone)
(415) 296-2293 (direct)
(415) 694-3606 (mobile)
(415) 433-7104 (fax)
egalvan@rbgg.com

CONFIDENTIALITY NOTICE

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at rbg@rbgg.com

From: "Mattioli, Madison (USAMT)" <Madison.Mattioli@usdoj.gov>
Date: November 2, 2023 at 10:29:41 AM PDT
To: Kara Janssen <KJanssen@rbgg.com>, Oren Nimni <oren@rightsbehindbars.org>, susan@ccijustice.org
Cc: "Cziok, Abbie (USAMT)" <Abbie.Cziok@usdoj.gov>, "Smith, Mark (USAMT)" <Mark.Smith3@usdoj.gov>, "Tatarka, Tim (USAMT)" <Tim.Tatarka@usdoj.gov>, "Lo, Michelle (USACAN)" <Michelle.Lo@usdoj.gov>, "Johann, Pamela (USACAN)" <Pamela.Johann@usdoj.gov>
Subject: Case No.: 4:23-cv-04155

[EXTERNAL MESSAGE NOTICE]

Hi, Kara, Oren, and Susan – we received your letter dated October 31, 2023, addressed to Michelle Lo, Pam Johann, and Jesse Laslovich.

Abbie Cziok and I are civil AUSAs in the District of Montana, and we have been assigned to Case No.: 4:23-cv-04155. In response to your letter, we understand that this matter is already being litigated on an emergency basis by way of the pending motion for a preliminary injunction. We intend to respond to Plaintiffs' allegations in those proceedings.

Please direct future correspondence regarding Case No. 4:23-cv-04155 to Abbie and me.

Thanks!
Madison



Madison L. Mattioli

Assistant United States Attorney

U.S. Attorney's Office - District of Montana

901 Front Street, Ste. 1100 | Helena, MT 59626

T: (406) 457-5269 | ✉ madison.mattioli@usdoj.gov

CONFIDENTIALITY NOTICE: This communication may contain law enforcement sensitive, privileged attorney/client communications or work product, and is not subject to disclosure. It is solely for the use of the intended recipients. Unauthorized interception, review, use or disclosure is prohibited. If you believe that you have received this e-mail in error, please notify the sender immediately, and permanently delete the e-mail, any attachments, and all copies from your computer.